

20PL 4104338

# UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

DOCKET FILE COPY ORIGINAL

UNITED STATES OF AMERICA

v.

RICHARD RICHARDS

STAR ROUTE BOX 124

HEREFORD, AZ 85615

(Name and Address of Defendant)

USM #32499-008

SSN 359 30 8675

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JUL 31 1992	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

No. CR-92-14-01-TUC-WDB

JUDGMENT IN A CRIMINAL CASE

72-112  
WALTER NASH/RICHARD JONES

Attorney for Defendant

## THE DEFENDANT ENTERED A PLEA OF:

XX guilty nolo contendere: as to Count 1 of Superseding Indictment  
not guilty as to count(s)

## THERE WAS A:

XX finding verdict: of guilty as to Count 1 of Superseding Indictment

## THERE WAS A:

finding verdict: of not guilty as to count(s)  
judgment of acquittal as to count(s)

The defendant is acquitted and discharged as to this/these counts.

**THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:** violating Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D) & 841(b)(5), possess with intent to distribute less than 50 kgs (Marijuana, I) and cultivating marijuana on federal property, as charged in Count 1 of the Indictment.

**IT IS THE JUDGMENT OF THIS COURT THAT:** the defendant is hereby placed on probation for a period of FIVE (5) YEARS.

In addition to the general terms of probation, the following conditions are imposed:

- 1) Defendant shall serve SEVEN (7) MONTHS under house arrest, under such conditions and terms as set by the U. S. Probation Office. The costs of such house arrest to be borne by the defendant.
- 2) Defendant shall participate in such substance abuse and mental health treatment and counseling as directed by the U. S. Probation Office.
- 3) Defendant shall submit to substance abuse testing, including urinalysis, as directed by the U.S. Probation Office.
- 4) Defendant shall submit his property, person, vehicle and any residence, temporary or permanent, to search and seizure at such times and as directed by the U.S. Probation Office.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed:

15A

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law enforcement officer;
  - (2) associate only with law-abiding persons and maintain reasonable hours;
  - (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work, notify your probation officer at once, and consult him prior to job changes);
  - (4) not leave the judicial district without permission of the probation officer;
  - (5) follow the probation officer's instructions and report as directed.
- The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total assessment of \$ 50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) 1 of Indictment as follows:

IT IS FURTHER ORDERED THAT Counts 2 through 5 of the Indictment is DISMISSED on motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution, or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the Clerk of the Court deliver a certified copy of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends:

July 31, 1992

Date of Imposition of Sentence

William D. Browning  
Signature of Judicial Officer

WILLIAM D. BROWNING

U. S. District Judge

Name and Title of Judicial Officer

July 31, 1992

Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
Date

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National Communications Commission

Packet No. 93-176 Exhibit No. ONE

Presented by NASS MEDIA BUREAU

Identified ☒

Disposition

Received ☐

Rejected ☒

Reporter M.K. FLEISHMAN

Date 12/07/93

1  
2 LINDA A. AKERS  
3 United States Attorney  
4 District of Arizona  
5 JOHN P. LEADER  
6 Assistant U.S. Attorney  
7 State Bar No. 012511  
8 Acapulco Building, Suite 8310  
9 110 South Church Avenue  
10 Tucson, Arizona 85701  
11 Telephone: 602-670-6511  
12 Attorneys for Plaintiff

13  
14  
15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF ARIZONA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 vs.

20 RICHARD RICHARDS,

21 Defendant.

) CR 92-014-TUC-WDB

)  
) SUPERSEDING  
) INDICTMENT

) Violations: 21 USC § 841(a)(1)  
) 21 USC § 841(b)(1)(D)  
) 21 USC § 841(b)(5)  
) 18 USC § 1512(b)(1)  
) 21 USC § 853

) (Possession with Intent to Distribute  
) Marijuana; Cultivating Marijuana on  
) Federal Property; Tampering With a  
) Witness By Intimidation, Physical  
) Force, Threats or Misleading Conduct  
) Criminal Forfeiture)

22  
23 THE GRAND JURY CHARGES:

24 COUNT 1

25 That on or about the 25th day of July, 1991, at or near Hereford, in the District of  
26 Arizona, the defendant, RICHARD RICHARDS, did knowingly and intentionally possess with

1  
2 intent to distribute a number of marijuana plants, a Schedule I controlled substance; in  
3 violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D) and 841(b)(5).  
4

5 COUNT 2  
6

7 That on or about approximately the 15th day of September, 1991, in the District of  
8 Arizona, the defendant, RICHARD RICHARDS, did knowingly intimidate and threaten  
9 Linda Sorenson, by making verbal threats to Linda Sorenson, with the intent to influence the  
10 testimony of Linda Sorenson in Cochise County Cause number 91-00350, State of Arizona v.  
11 Richard Richards, all in violation of Title 18, United States Code, Section 1512(b)(1).  
12

13 COUNT 3  
14

15 That on or about the 10th day of December, 1991, in the District of Arizona, the  
16 defendant, RICHARD RICHARDS, did knowingly engage in witness tampering, by corruptly  
17 persuading or attempting to corruptly persuade Linda Sorenson to make false statements  
18 pertaining to RICHARD RICHARDS, with the intent to influence the testimony of Linda  
19 Sorenson in Cochise County Cause number 91-00350, State of Arizona v. Richard Richards,  
20 all in violation of Title 18, United States Code, Section 1512(b)(1).  
21

22 COUNT 4  
23

24 That on or about the 8th day of January, 1992, in the District of Arizona, the  
25 defendant, RICHARD RICHARDS, did knowingly engage in witness tampering, by corruptly  
26 persuading or attempting to corruptly persuade Cheryl Halliburton to make false statements

1  
2 pertaining to RICHARD RICHARDS, with the intent to influence the testimony of Cheryl  
3 Halliburton in U.S. District Court Criminal Case number CR 92-014-TUC-WDB, United  
4 States v. Richard Richards, all in violation of Title 18, United States Code, Section 1512(b)(1).  
5

6  
7 COUNT 5

8 THE GRAND JURY FURTHER CHARGES:


9 In committing one or more felony offenses alleged in Count 1 of this Superseding  
10 Indictment, each punishable by imprisonment for more than one year, RICHARD  
11 RICHARDS used or intended to use, in any manner or part, the below-described real  
12 property to commit or facilitate the said controlled substance violations:

13 All that lot or parcel of land, together with its buildings,  
14 improvements, fixtures, attachments and easements located in  
15 Cochise County, Arizona consisting of 82.5 acres and known as  
16 Montezuma Ranch. This property is more particularly described  
in Attachment A, attached hereto.

17 By virtue of the commission of one or more of the felony offenses charged in this Superseding  
18 Indictment by the defendant, RICHARD RICHARDS, any and all interest RICHARD  
19 RICHARDS has in the above-described property is vested in the United States and hereby  
20 forfeited to the United States pursuant to Title 21, United States Code, Section 853.  
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A TRUE BILL



Presiding Juror

FEB 19 1992

LINDA A. AKERS  
United States Attorney  
District of Arizona



Assistant U.S. Attorney

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2

Federal Communications Commission

Docket No. 98-176 Exhibit No. TWO

Presented by NAS MEDIA BUREAU

Identified ☒

Disposition

Received ☒

Rejected ☐

Reporter M.K. FLEISHMAN

Date 12/07/93

1  
2 LINDA A. AKERS  
3 United States Attorney  
4 District of Arizona  
5 JOHN P. LEADER  
6 Assistant U.S. Attorney  
7 State Bar No. 012511  
8 Acapulco Building, Suite 8310  
9 110 South Church Ave.  
10 Tucson, Arizona 85701  
11 Telephone: 602-670-6511  
12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 UNITED STATES OF AMERICA, )

16 Plaintiff, )

CR 92-014 TUC WDB (JET)

17 v. )

PLEA AGREEMENT

18 RICHARD RICHARDS, )

19 Defendant. )

20 Plaintiff, United States of America, by and through its attorneys, Linda A. Akers, United  
21 States Attorney for the District of Arizona, and John P. Leader, Assistant U.S. Attorney, and  
22 defendant Richard Richards, assisted and represented by Robert Hirsh, attorney at law, hereby  
23 enter into the following plea agreement and disposition of this matter:

24 PLEA

25 ♦ Defendant agrees to plead guilty to Count One of the Superseding Indictment filed  
26 February 19, 1992, charging him with a violation of Title 21 United States Code §841(a)(1),  
Possession with Intent to Distribute a number of marijuana plants.

1  
2 ♦ Defendant further agrees to consent to judgment in CIV 91-454 TUC JMR, a civil  
3 forfeiture action in which the government seeks forfeiture of Richards' ranch.  
4

5 ♦ The parties agree to the following regarding a sentence: (i) that the Defendant possessed  
6 between 37 and 41 marijuana plants; (ii) to a seven month *binding* cap of incarceration; (iii) that  
7 at least some (or all) of the incarceration term be served in a halfway house; (3) the Government  
8 agrees to recommend that the defendant be incarcerated in either California or Nevada, and; (4)  
9 Counts Two, Three and Four and Five will be dismissed at the time of sentencing. The United  
10 States reserves the right to make any recommendation (within the plea agreement) it wishes  
11 regarding sentence.  
12

13  
14 ♦ The parties further agree that the sentencing in this matter shall be set no sooner that July  
15 6, 1992.  
16

17  
18 TERMS

19 The defendant understands that his guilty plea is conditioned upon the following terms:  
20

21 ♦ Waiver of Right to Appeal  
22

23 This is not a conditional guilty plea pursuant to Rule 11(a)(2). Thus, by entering this  
24 guilty plea, the defendant knowingly and voluntarily waives any right to appeal any aspect of his  
25 the plea, sentence, pretrial motion or any related matter under United States v. Bolinger, 940 F.2d  
26 478 (9th Cir. 1991), United States v. Navarro-Botello, 912 F.2d 318 (9th Cir. 1990).

1  
2 ♦ Maximum Penalties

3 (i) The violation of Title 21 United States Code §841(a)(1) and (b)(1)(D) is punishable by  
4 a maximum fine of \$250,000 or a maximum term of imprisonment of not more than five years,  
5 or both. Pursuant to the Sentencing Reform Act of 1984, the Court shall order the defendant to  
6 pay a fine unless the defendant proves he falls within the exceptions outlined in §5E1.2 of the  
7 Sentencing Guidelines.  
8

9 (ii) Pursuant to Title 21,, United States Code §841(b)(1)(D), the Court is required to  
10 impose a term of supervised release of at least two years.

11 (iii) Pursuant to Title 18, United States Code §3013(a)(2), the court is required to impose  
12 a special assessment on the defendant of \$50.00 per count, for a total special assessment of  
13 \$100.00. This assessment shall be paid to the United States Attorney, Collection Unit, P.O. Box  
14 1950, Tucson, Arizona 85702, immediately after sentencing.  
15  
16

17 ♦ Agreement to Dismiss or Not to Prosecute

18 To the extent that the District of Arizona has venue over such matters, the government  
19 agrees to dismiss Counts Two, Three, Four and Five of the Superseding Indictment at the time  
20 of sentencing. This agreement does not in any manner restrict the actions of the government in  
21 any other district nor bind any other United States Attorney's office.  
22  
23

24 ♦ Waiver of Defenses

25 The defendant hereby waives any and all motions, defenses, probable cause determinations,  
26 and objections which defendant could assert to the complaint or to the court's entry of judgment  
against defendant and imposition of sentence upon defendant consistent with this agreement.

1  
2 ♦ Right to Withdraw Plea if Agreement is Rejected

3 If the court, after reviewing this plea agreement, concludes that any provision is  
4 inappropriate, it may reject the plea agreement, giving the defendant, in accordance with Rule  
5 11(e)(4), F.R.Crim.P., an opportunity to withdraw defendant's guilty plea.  
6

7  
8 ♦ Reinstitution of Prosecution

9 If defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any court in a  
10 later proceeding, the government will be free to prosecute the defendant for all charges as to  
11 which it has knowledge, and any charges that have been dismissed because of this plea agreement  
12 will be automatically reinstated. In such event, defendant waives any objections, motions, or  
13 defense based upon the Speedy Trial Act or the Sixth Amendment to the Constitution as to the  
14 delay occasioned by the later proceedings.  
15

16  
17 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

18 Waiver of Rights

19 Defendant states that he has read and understands each of the provisions of the entire plea  
20 agreement and further states the following:

21 I have read each of the provisions of the entire plea agreement with the assistance of  
22 counsel. I have discussed the case and my constitutional and other rights with my attorney. I  
23 understand that by entering my plea of guilty I will be giving up the following rights: (1) to plead  
24 not guilty; (2) to trial by jury; (3) to confront, cross-examine, and compel the attendance of  
25 witnesses; (4) to present evidence in my defense; (5) to remain silent and refuse to be a witness  
26

1  
2 against myself by asserting my privilege against self-incrimination; (6) to be presumed innocent  
3 until proven guilty beyond a reasonable doubt.

4 I agree to enter my guilty plea as indicated above on the terms and conditions set forth in  
5 this agreement, and I understand that once I enter this plea agreement, I will not be permitted to  
6 withdraw from it.

7  
8 I have been advised by my attorney of the nature of the charge to which I am entering my  
9 guilty plea. I have further been advised by my attorney of the nature and range of the possible  
10 sentence.

11 My guilty plea is not the result of force, threats, assurances or promises ~~other~~ than the  
12 promises contained in this agreement. I agree to the provisions of this agreement as a voluntary  
13 act on my part, rather than at the direction of or because of the recommendation of any other  
14 person, and I agree to be bound according to its provisions.

15  
16 I agree that this written plea agreement contains all the terms and conditions of my plea  
17 and that promises made by anyone (including my attorney) that are not contained within this  
18 written plea agreement are without force and effect and are null and void.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I am not now on or under the influence of any drug, medication, liquor, or other intoxicant  
21 or depressant, and I am fully capable of understanding the terms and conditions of this plea  
22 agreement.

23  
24 Factual Basis

25 I further agree that the following accurately describes my involvement in this case and that  
26 the government could prove the same beyond a reasonable doubt if this matter were to proceed  
to trial:

1  
2 That on or about July 25, 1991, defendant Richard Richards was in knowing possession  
3 of between 37 and 41 marijuana plants, some plants being grown on his property and some plants  
4 being grown on National Park Service property. Richards was the owner of these plants, he knew  
5 them to be marijuana plants and he intended to distribute the plants or the processed marijuana  
6 derived from these plants to another person or persons.  
7

8 5-4-92  
9 Date

Richard Richards  
Defendant

10  
11  
12 **DEFENSE ATTORNEY'S APPROVAL**

13 I have discussed this case and the plea agreement with my client in detail and have advised  
14 the defendant of all matters within the scope of Rule 11, F.R.Crim.P., the constitutional and other  
15 rights of an accused, the factual basis for and the nature of the offense to which the guilty plea  
16 will be entered, possible defenses, and the consequences of the guilty plea. No assurances,  
17 promises, or representations have been given to me or to the defendant by the government or by  
18 any of its representatives which are not contained in this written agreement. I concur in the entry  
19 of the plea as indicated above and on the terms and conditions set forth in this agreement as in  
20 the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea  
21 is entered in accordance with all the requirements of Rule 11, F.R.Crim.P.  
22  
23

24 5/1/92  
25 Date

Robert Hirsh  
Attorney for Defendant

1  
2 GOVERNMENT'S APPROVAL  
3

4 I have reviewed this matter and the plea agreement. I agree on behalf of the United States  
5 that the terms and conditions set forth are appropriate and are in the best interests of justice.  
6

7 *LINDA A. AKERS*  
8 *United States Attorney*  
9 *District of Arizona*

10 *John P. Leader*

11 *JOHN P. LEADER*  
12 *Assistant U.S. Attorney*

13 5/4/92  
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Federal Communications Commission

Docket No. 73-176 Exhibit No. THREE

Presented by MASS MEDIA BUREAU

Disposition { Identified ☒

Received ☒

Rejected ☐

Reporter M.K. FLEISHMAN

Date 12/07/93

JOPC 9104550

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA

v.  
RICHARD RICHARDS  
STAR ROUTE BOX 124  
HEREFORD, AZ 85615  
(Name and Address of Defendant)  
USN #32499-008  
SSN 359 30 8675

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JUL 31 1992	
CLERK U S DISTRICT COURT. DISTRICT OF ARIZONA	
BY	DEPUTY

No. CR-92-14-01-TUC-WDB

**JUDGMENT IN A CRIMINAL CASE**

WALTER NASH/RICHARD JONES  
Attorney for Defendant

**THE DEFENDANT ENTERED A PLEA OF:**

XX guilty nolo contendere: as to Count 1 of Superseding Indictment  
not guilty as to count(s)

**THERE WAS A:**

XX finding verdict: of guilty as to Count 1 of Superseding Indictment

**THERE WAS A:**

finding verdict: of not guilty as to count(s)  
judgment of acquittal as to count(s)

The defendant is acquitted and discharged as to this/these counts.

**THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:** violating Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D) & 841(b)(5), possess with intent to distribute less than 50 kgs (Marijuana, I) and cultivating marijuana on federal property, as charged in Count 1 of the Indictment.

**IT IS THE JUDGMENT OF THIS COURT THAT:** the defendant is hereby placed on probation for a period of FIVE (5) YEARS.

In addition to the general terms of probation, the following conditions are imposed:

- 1) Defendant shall serve SEVEN (7) MONTHS under house arrest, under such conditions and terms as set by the U. S. Probation Office. The costs of such house arrest to be borne by the defendant.
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- 4) Defendant shall submit his property, person, vehicle and any residence, temporary or permanent, to search and seizure at such times and as directed by the U.S. Probation Office.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed:

154

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law enforcement officer;
  - (2) associate only with law-abiding persons and maintain reasonable hours;
  - (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work, notify your probation officer at once, and consult him prior to job changes);
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IT IS FURTHER ORDERED that the defendant shall pay a total assessment of \$ 50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) 1 of Indictment as follows:

IT IS FURTHER ORDERED THAT Counts 2 through 5 of the Indictment is DISMISSED on motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution, or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the Clerk of the Court deliver a certified copy of this judgment to the United States Marshal of this district.

— The Court orders commitment to the custody of the Bureau of Prisons and recommends:

July 31, 1992  
Date of Imposition of Sentence  
  
Signature of Judicial Officer

WILLIAM D. BROWNING  
U. S. District Judge  
Name and Title of Judicial Officer

July 31, 1992  
Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
Date

- 1  $\frac{1}{4}$  # brown: ~~1000~~
- 2 2<sup>nd</sup> brown 1500 pd. Cash. —
- 3  $\frac{1}{4}$  # brown 200 pd. by CK. to Terry —
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- 5  $\frac{1}{4}$  \* Green. 250 - 250 250
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- 7 8-2-1003 brown. 500 - 500

265 gm Green loose bud.  
310 gm Green loose bud.  
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error. 1475  $\frac{111}{1575}$   
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COPY No. 1

REL BY CCGO

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RECEIVED BY THE  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20535  
20-21

COPY No. 1

REL BY CCGO

47112

Federal Communications Commission

Docket No. 93-176 Exhibit No. FOUR

Presented by MASS MEDIA BUREAU

Identified ☒

Disposition

Received ☒

Rejected ☐

Reporter M.K. FUEISHMAN

Date 12/07/93

6300 Cash	
203 - Brown	750
803 -	
265 loose	500
310 loose	500

600 = 7000  
 500 1# loose 1600 -  
 125 1/4  
 250 gun

1475

2475

700 Grain  
 250 Green  
 500 Grain

CHK 180 went to Terry

1000  
 200  
1380

265-310 = 500 bus 4  
 1# 500  
 125  
2575

Federal Communications Commission

Docket No. 93-176 Exhibit No. FIVE

Presented by MASS MEDIA BUREAU

Disposition { Identified ✓  
Received ✓  
Rejected \_\_\_\_\_

Reporter M.K. FLEISHMAN

Date 12/07/63